

ORIGINAL

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

FILED
U.S. DISTRICT COURT
NORTHERN DIST. OF TX
FT. WORTH DIVISION

2013 MAY -9 PM 2:57

CLERK OF COURT

**ERNESTO RODRIGUEZ,
PLAINTIFF**

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V.

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**CASA, INC. and
CATHOLIC CHARITIES of FORT
WORTH
DEFENDANT**

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COMPLAINT

On June 8, 2011, Plaintiff, ERNESTO RODRIGUEZ, along with 40 other residents, filed a complaint with Defendant, CASA, INCORPORATED, concerning a resident who had threatened Plaintiff and other residents. The complaint explained that the resident had threatened to "kill" other residents and their pets, as well as the derogatory statements and comments that the resident had made to Plaintiff and other minority residents. In the complaint, Plaintiff also states that "the majority of the residents here have lost faith in the staff who seemingly don't care to read their complaints and resolve the problems presented to them".

On July 31, 2012, Plaintiff was in the community room playing pool, while another resident was facilitating an art class. The resident told Plaintiff to stop playing pool and to leave the community room. Plaintiff refused to leave the community room and explained to the resident that he receives instructions from staff and management only. Further, Plaintiff explained that no other residents had been asked to leave, regardless of their participation in the art class. Shortly thereafter, Lynne Yeoman, employee for Defendant, entered the community room and approached Plaintiff and instructed him to leave the community room. Plaintiff requested that Yeoman talk to everyone in the room, particularly the residents participating in the art class. Yeoman refused and instructed him to leave once again. Plaintiff then remarked that Yeoman had not questioned any of the Anglo residents, who were not participating in the art class- those residents were allowed to remain in the community room. In response, Plaintiff took photographs of the residents that remained in the community room, even residents that were not participating in the art class. Plaintiff then approached Yeoman, Monica Quiroz, and Opal Barrett, all employees for Defendant, and explained that he had photos to show that Anglo residents were being allowed to use the community room and he was not. Quiroz then instructed Plaintiff to refrain from taking photographs, but Plaintiff asserted that he would need

the photographs to prove that he was the victim of "discrimination". Plaintiff then filed a complaint and gave it to Martha Perez, employee for Defendant.

On August 20, 2012, Plaintiff received correspondence from Defendant, alleging that he had violated the "lease agreement and house rules and/or policies". Specifically, the correspondence explains that, on August 7, 2012 and August 14, 2012, three individuals had complained of Plaintiff taking photographs. Quiroz is the author of the correspondence. She explains that she'd instructed Plaintiff not to take photographs.

In the same correspondence, Quiroz alleged that Plaintiff had been accused of using abusive language during a confrontation with the same resident from the incident on July 31, 2012. The resident came into the lobby area and then called Plaintiff an "illegal alien" and asked, "Where were you born?" Plaintiff then responded, "Maybe you are the illegal alien!" Plaintiff used no other language and retaliating in no other fashion. The resident, who was in a wheel chair, began to approach Plaintiff and the security guard then grabbed the resident's chair and redirected her toward the elevator. As the resident was leaving, she turned to Plaintiff "shook her fist" at him.

Following this incident, Plaintiff received correspondence from Defendant that accused him of violating a community rule by using a particular elevator. Plaintiff explained that he was unaware of the rule and that all residents had been allowed to use that elevator.

On October 9, 2012, Plaintiff filed a complaint with the U. S. Department of Housing and Urban Development (HUD) and alleged that Defendant was operating discriminatorily based on national origin of residents and retaliating against him for filing previous complaints. Fort Worth Human Relations Commission performed an investigation and, in correspondence dated February 28, 2013, determined that "no reasonable cause" exists to believe that Defendant was discriminating or retaliating against Plaintiff.

On April 3, 2013, Plaintiff received correspondence from Defendant alleging that he had violated his lease agreement "interfering with management's efforts to manage the operations of the facility". Specifically, Quiroz accused Plaintiff of making "false allegations, circumventing the complaints and grievance process with Defendant, and encouraging other residents to circumvent community policies and rules.

NOW, Plaintiff files this complaint and asserts that Defendant has acted discriminatorily, through its agents, in managing and operating the resident community. Further, Plaintiff asserts that Defendant has implement policies and procedures that disparately affect the resident population, particularly Hispanic and African Americans. Finally, Plaintiff asserts that Defendant has retaliating against him for filing previous complaints with Defendant and other agencies charged with investigating matters of discrimination in housing.

PRINTED NAME Ernesto R Rodriguez

ADDRESS 3201 Sondra Drive, Apt. 512

CITY/STATE / ZIP Fort Worth TX 76107

TELEPHONE 517 204 9278

JS 44 (TXND Rev. 2/10)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Ernesto Rodriguez

(b) County of Residence of First Listed Plaintiff Tarrant
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

DEFENDANTS

EPSA INC

Catholic Charities of Fort Worth
County of Residence of First Listed Defendant Tarrant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☒ PTF 1 ☐ DEF 1 Incorporated or Principal Place of Business In This State ☐ PTF 4 ☒ DEF 4
- Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business In Another State ☐ 5 ☐ 5
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACTS	TORTS	REAL PROPERTY	PERSONAL INJURY	PERSONAL INJURY	PROPERTY RIGHTS	LABOR	SOCIAL SECURITY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

VI. CAUSE OF ACTION

Brief description of cause:

discrimination

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) (See instructions) PENDING OR CLOSED:

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

Ernesto R. Rodriguez

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE